

Application No.: 10/527,524
Filing Date: October 15, 2005

REMARKS

This Amendment and Response is submitted in response to the Office Action mailed October 20, 2008. Claims 7, 9, 33, and 34 have been cancelled without prejudice. Claims 1, 10, 11, 13, 14, 16, 17, 20, and 30-32 have been amended. Support for the amendment to the claims can be found throughout the specification and in the original claims as filed. For example, Claim 1 is currently amended to clarify that the portable anchor removably attaches to an exterior edge region of a roof surface. The feature of Claim 9, now canceled, is also introduced into claim 1 which requires that the attachment member is formed as an elongate member having a gap formed by a first side structure and a second side structure spaced from the first side structure. The gap is adapted to locate around the exterior edge region of the roof surface. Support for these amendments is found by reference to, for example, Fig. 1 and Fig. 5 showing the portable anchor 10 removably attached to an exterior edge region of a roof surface 26.

In Fig. 1, the attachment member 11 is shown as an elongate member having a gap formed by a first side structure 14 and a second side structure (being brackets 18, 19) which are spaced apart from the first side structure 14. As shown in Fig. 5, the gap is adapted to locate around the exterior edge region 25 of the roof surface 26.

Claim 1 is also amended to recite that the attachment member is adapted to lie along and rest on an exterior upper surface of the roof. Support for this amendment is found by reference to Fig. 5 which shows force distribution member 12, in use, adapted to lie along and rest on an exterior upper surface of the roof.

Claim 1 is also currently amended to recite that the connector is also in the vicinity of the exterior edge region of the roof surface. Support for this amendment is found by reference to Fig. 5 which shows connector 13, in use, being in the vicinity of the exterior edge region 25 of the roof surface 26.

Claims 10, 11, 13, 14, 16, 17, and 20 are amended to correct the dependency of these claims.

Claim 30 is currently amended in a manner similar to Claim 1. Support for the amendments made to Claim 30 is found at the same locations as mentioned for the amendments made to Claim 1. More specifically for Claim 30, the locking arrangement (17, 18) and the

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attachment foot 11 are shown in Fig. 5 to be configured to compressively engage the exterior edge region 25 of the roof surface 26 between once surface (14) of the L-shaped bar 11 and the locking arrangement (17, 18), as recited in currently amended Claim 30.

Claims 31 and 32 are currently amended to clarify that the portable roof anchor engages with the exterior edge region of the roof surface as illustrated in Fig. 5.

No new matter has been added by these amendments. Claims 1-6, 8, and 10-32 are presented for examination. Reconsideration and withdrawal of the present rejections in view of the amendments and comments presented herein are respectfully requested.

The claims are novel under 35 U.S.C. §102(b) in view of Chiou et al. (U.S. Patent No. 5,758,742) and Arisman et al. (U.S. Patent No. 5,346,036)

In the Office Action mailed October 20, 2008, the Examiner rejects claims 1-8, 15, 21 and 29 under 35 USC 102(b) as being allegedly anticipated by Chiou et al. (US 5,758,742).

Claims 1, 9, 10, 13-20, 23-26 and 30-33 are also rejected under 35 USC 102(b) as being allegedly anticipated by Arisman et al. (US 5,346,036).

In the 'Response to Arguments' section of the Office Action, the Examiner considers that the anchor of Chiou et al. is permanently attached to an edge region of a roof. The Examiner also considers that a force distribution member 1, 15 of Arisman et al. is located on an upper surface of the roof.

The applicant has amended independent claims 1 and 30 to clarify the following significant differences between Arisman et al. and/or Chiou et al. Currently amended claim 1 now recites:

1. "an attachment member adapted to removably attach to an exterior edge region of a roof surface" ;
2. "... having a gap formed by a first side structure and a second side structure ... the gap adapted to locate around the exterior edge region of the roof surface" ;
3. "a force distribution member ... adapted to lie along and rest on an exterior upper surface of the roof".

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Thus, amended Claim 1 now recites how the portable anchor attaches to an exterior edge region of a roof surface, and that the force distribution member lies along and rests on an exterior upper surface of the roof. The amendments to Claim 1 clearly distinguish the anchors of both Arisman et al. and Chiou et al.

Chiou et al.

Referring firstly to Chiou et al., there is no disclosure or suggestion that the anchor is removable or that the anchor attaches to an exterior edge region of a roof surface. Moreover, Chiou et al. does not suggest the attachment member has a gap formed by a first side structure and a second side structure spaced from the first side structure, where the gap is adapted to locate around the exterior edge region of the roof surface, as recited by currently amended Claim 1. Furthermore, Chiou et al. does not disclose or suggest that the force distribution member 2 lies along and rests on an exterior upper surface of the roof, as recited by currently amended Claim 1.

Arisman et al.

Referring to Arisman et al., the attachment member 4 attaches to truss beams 8, as illustrated in for example Fig. 5. In view of the amendments to Claim 1 Arisman et al. does not disclose or suggest that the attachment member provides a gap that is adapted to locate around the exterior edge region of the roof surface. In currently amended Claim 1, the exterior edge region of the roof surface is a peripheral edge of a roof surface or covering as illustrated for example by edge region 25 in Fig. 5 of the present application. In contrast, the truss beams 8 and truss assembly 9 form a support structure for a roof surface. Clearly, the anchor of Arisman et al. attaches to the support structure of a roof, but there is no possibility for attachment to an exterior edge region of the roof surface as claimed in currently amended Claim 1.

The present invention provides an important advantage by being removably attachable to an exterior edge region of a roof surface the portable anchor can be easily secured and moved about an existing roof surface by attaching to an exterior edge region of the roof surface. In contrast, the anchor of Arisman et al. has the distinct disadvantage of requiring apertures 20 in the roof surface so that connector 5 can protrude through the aperture 20 as the attachment member 4 must attach to a truss beam 8 in the system of Arisman et al.

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Furthermore, the force distribution member 1a, 15 of Arisman et al., as identified by the Examiner, does not lie along and rest on an exterior upper surface of the roof, as recited by currently amended Claim 1. In Arisman el al., the force distribution member is positioned between truss beams 8 and is positioned apart from and below, nor does it rest on, an upper surface of the roof.

For at least these reasons it is submitted that currently amended claim 1 is not anticipated by, or obvious in light of, either Chiou et al. or Arisman et al., taken individually or in combination.

Neither are these distinguishing features of currently amended Claim 1 disclosed in any of the other cited documents Curtin, Argoud, or Mullins, individually or in combination, that were cited under 35 USC 103(a) variously against claims 12, 22, 28 and 34. Establishing *prima facie* obviousness requires a showing that each claim element is taught or suggested by the prior art. See *In re Royka*, 490 F.2d 981, 180 USPQ 580. (CCPA 1974). Applicant respectfully submits that the cited references do not teach, alone, or in combination, each elemnt of amended Claim 1. For example, none of the other references teach an anchor having a gap adapted to locate around the exterior edge region of the roof surface. Rather, Curtin teaches an anchor that, like Arisman, is attached to a beam or truss. See Fig. 5. Argoud teaches an anchor attached to the surface of a roof using screw that are driven into the roof surface. See Fig. 7. Mullins teaches an anchor that is attached to ridges on the surface of the roof. See Fig. 1. For at least these reasons, Applicant respectfully submits that Claim 1 is patentable over the cited prior art.

Similarly, currently amended independent Claim 30 has been amended to recite similar limitations as discussed for currently amended Claim 1. In currently amended claim 30, it is recited that the locking arrangement and the attachment foot are configured to compressively engage the exterior edge region of the roof surface between one surface of the L-shaped bar and the locking arrangement. Furthermore, currently amended Claim 30 recites that the cylindrical arm is adapted to lie along and rest on an exterior upper surface of the roof. Claim 30 also clarifies that the attachment foot is adapted to removably attach to an exterior edge region of the roof surface.

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It is thus submitted that currently amended Claim 30 is likewise not anticipated by, or obvious in light of, Chiou et al. and/or Arisman et al.

As independent Claims 1 and 30 are believed to be patentable over the cited prior art all remaining dependent claims 2-6, 8, 10-29 and 31-32 are submitted to be patentable for at least the same reasons.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejection set forth in the outstanding Office Action has been addressed and that the application is now in condition for allowance. Accordingly, Applicants request the expeditious allowance of the pending claims.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain, or if any issues require clarification, the Examiner is respectfully requested to call the undersigned to discuss such issues.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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